

## **IC 13-14-11**

### **Chapter 11. Records of the Department and Boards**

#### **IC 13-14-11-1**

##### **Record of actions taken; confidential information**

Sec. 1. (a) The commissioner shall maintain a record of the actions taken under this title. Subject to subsection (b), these:

(1) records, issued permits, permit applications, and related documentation filed with the department; and

(2) records, reports, and other information obtained under the recording, reporting, monitoring, sampling, information, entry, inspection, investigation, and copying requirements of this title;

shall be made available for public inspection and copying in the department offices during regular business hours under IC 5-14-3.

(b) Upon showing satisfactory to the commissioner by any person that all or any part of the records, reports, permits, permit applications, documentation, or information other than effluent or emission data, would, if made public, divulge methods or processes entitled to protection as trade secrets of the person, the commissioner shall consider, treat, and protect all or part of the trade secret records, reports, or information as confidential.

*As added by P.L.1-1996, SEC.4.*

#### **IC 13-14-11-2**

##### **Waiver of fees**

Sec. 2. The department and boards may reduce or waive fees otherwise required by IC 5-14-3-8 for the copying of public records if the department or board having authority over the records determines that the fee reduction or waiver is in the public interest.

*As added by P.L.1-1996, SEC.4.*

#### **IC 13-14-11-3**

##### **Records permissively excepted from disclosure**

Sec. 3. (a) A person required by the department or a board to submit a record that in the person's opinion constitutes a record that is:

(1) confidential under IC 5-14-3-4(a); or

(2) permissively excepted under IC 5-14-3-4(b);

may so certify and request that the record be made available only for the use of the department or the boards.

(b) The department shall consider a request made under subsection (a). If the department finds that the record is excepted from disclosure under IC 5-14-3-4(a), the request shall be granted. If the department finds that the record is permissively excepted from disclosure under IC 5-14-3-4(b), the request may be granted.

(c) It is the duty of:

(1) the person providing the record to ask that any or all of the record be declared excepted from disclosure under IC 5-14-3-4; and

(2) the commissioner to decide whether the record will be made

public, subject to review as provided in IC 4-21.5-5.  
*As added by P.L.1-1996, SEC.4.*

**IC 13-14-11-4 Version a**  
**Storage and security of files**

*Note: This version of section effective until 1-1-2013. See also following version of this section, effective 1-1-2013.*

Sec. 4. The department shall, subject to the approval of all three (3) of the boards, develop written procedures for the separate storage and security of files containing records excepted from disclosure requirements under IC 5-14-3-4.

*As added by P.L.1-1996, SEC.4.*

**IC 13-14-11-4 Version b**  
**Storage and security of files**

*Note: This version of section effective 1-1-2013. See also preceding version of this section, effective until 1-1-2013.*

Sec. 4. The department shall, subject to the approval of the board, develop written procedures for the separate storage and security of files containing records excepted from disclosure requirements under IC 5-14-3-4.

*As added by P.L.1-1996, SEC.4. Amended by P.L.133-2012, SEC.91.*

**IC 13-14-11-5 Version a**  
**Confidentiality agreements**

*Note: This version of section effective until 1-1-2013. See also following version of this section, effective 1-1-2013.*

Sec. 5. The boards shall adopt rules requiring the execution of a confidentiality agreement with persons employed, contracted, or subcontracted by the department that is enforceable by:

- (1) the state; and
- (2) the submitter of the information.

*As added by P.L.1-1996, SEC.4.*

**IC 13-14-11-5 Version b**  
**Confidentiality agreements**

*Note: This version of section effective 1-1-2013. See also preceding version of this section, effective until 1-1-2013.*

Sec. 5. The board shall adopt rules requiring the execution of a confidentiality agreement with persons employed, contracted, or subcontracted by the department that is enforceable by:

- (1) the state; and
- (2) the submitter of the information.

*As added by P.L.1-1996, SEC.4. Amended by P.L.133-2012, SEC.92.*

**IC 13-14-11-6**  
**Disclosure to other officers, employees, or authorized representatives**

Sec. 6. All records, reports, or information accorded confidential treatment under this chapter may be disclosed or transmitted to other

officers, employees, or authorized representatives of the state or of the United States:

- (1) concerned with carrying out or implementing this title; or
- (2) when relevant in any proceeding related to enforcement.

*As added by P.L.1-1996, SEC.4.*